

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **October 9, 2007**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Request to Temporarily Fill a Vacancy in the Circuit Court Clerk's Office**

RECOMMENDATION: Adopt a resolution to amend the FY 2008 General Fund budget and appropriate \$11,600 with \$11,600 from the General Fund Reserve for Contingencies to allow the Circuit Court Clerk to fill a position in the Clerk's Office while waiting for State funding to become available.

SUMMARY: An employee in the Circuit Court Clerk's Office is retiring effective January 1, 2008, but her last day in the office will be October 21, 2007. Although this position is funded by the State, a 90-day freeze on all vacancies has been enacted. Therefore, the State will not fund the position from October 22, 2007 through March 30, 2008. In order for the Clerk's Office to be timely in performing its duties, it is imperative the office remain fully staffed.

Funding of \$11,600 from the City would allow the office to remain fully staffed. The Clerk's Office expects to go through the hiring process to employ someone in the vacant position by December 1, 2007. Office personnel plan to work overtime prior to the December 1 hire, but cannot sustain this workload for a prolonged period.

PRIOR ACTION(S): Finance Committee, October 2, 2007

FISCAL IMPACT: A one-time appropriation of \$11,600 from the General Fund Reserve for Contingencies

CONTACT(S): Larry Palmer, Circuit Court Clerk, 455-2620

ATTACHMENT(S):

Resolution

Letter from Larry Palmer, Circuit Court Clerk

Letter from Judges Mosby Perrow, III and J Leyburn Mosby, Jr.

REVIEWED BY: lkp

Resolution

BE IT RESOLVED That the FY 2008 General Fund Budget is amended and \$11,600 is appropriated with \$11,600 from the General Fund Reserve for Contingencies to overfill a position in the Circuit Court Clerk's Office while waiting for State funding to become available.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

131L



LARRY B. PALMER, CLERK

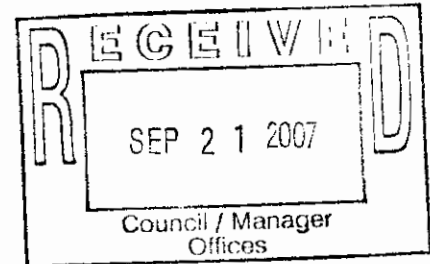
CLERK'S OFFICE

## LYNCHBURG CIRCUIT COURT

900 Court Street  
P. O. Box 4  
Lynchburg, Virginia 24505  
Telephone 434-455-2620  
Facsimile 434-847-1864

J. SAMUEL JOHNSTON, JR., JUDGE  
MOSBY G. PERROW, III, JUDGE  
J. MICHAEL GAMBLE, JUDGE  
JAMES W. UPDIKE, JUDGE  
J. LEYBURN MOSBY, JR., JUDGE

September 20, 2007



Mr. L. Kimball Payne  
City Manager, City of  
Lynchburg  
900 Church Street  
Lynchburg, VA. 24505

Dear Mr. Payne:

Thank you very much for seeing me today on such short notice. As is the case here, sometimes situations and circumstances can and do change rather quickly.

As I indicated to you, I am facing a near crisis in my office. My long time supervisor of the Criminal Section, Ms. Jeannine Wingfield, has submitted her notice of retirement after 31 years of service to this office. The effective date of her retirement is January 1, 2008, however, her last day of employment here will be October 21, 2007. She has sufficient annual leave to carry her until the effective date of her retirement.

The State has implemented a 90-day freeze on all vacancies. Since she is on the payroll until January 1, 2008, this freeze would mean her position could not be filled and a replacement made until April 1, 2007.

As a result, I would only have (2) two employees in the Criminal Department until April 1, 2007. We have (2) Courts every day, and it would be humanely impossible to expect these two (2) employees to work Court each day, then keep our orders flowing efficiently.

As you know, we are a Court of Record. Every situation occurring in the courtroom, from an advisement and appointment of counsel up to sentencing must be documented by an Order from the Court. These Orders are then distributed throughout the criminal justice system as well as probation and parole, Commonwealth's Attorney and Public Defender's office, the Blue Ridge Jail and the media. Promptness of preparing these Orders is of the highest priority in this office; to not only keep the Court's record accurate but to provide other vital services. For example, if a defendant is sentenced in this Court today, the Blue Ridge Jail receives a copy of that sentencing Order this afternoon, or no later than tomorrow a.m. This is very critical to the City since the jail uses our Order to transfer the prisoner from local authority (local funding) to the Dept. of Corrections (state funded) immediately.

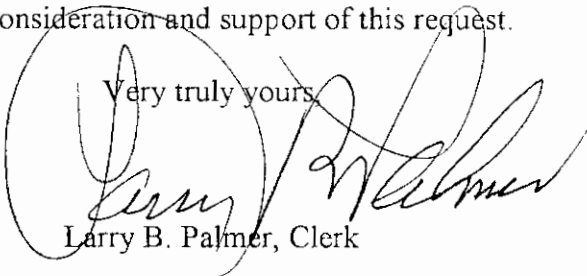
The personnel assigned to the Criminal Dept. must be efficient, effective and promote a professional image in the Court Room, however, their "must do" work occurs when the return to the office, in terms of updating cases, preparing orders and pulling cases for the following day. Today, with (3) three people assigned, they have their hands full just keeping up with the day-to-day affairs, and it would be virtually impossible for only (2) two people to be expected to provide all of these services over an extended period of time. Any errors of commission or omission would have serious consequences.

Accordingly, I am requesting funding for the following actions:

1. Approximately \$2,400 to fill the supervisor position on December 1<sup>st</sup> (one month only)
2. Approximately \$2,300 for (4) four months to fill the vacancy in the Criminal Department for the period of Dec. 1 – March 30, 2008. Effective April 1<sup>st</sup>, the position would then be transferred by to the state payroll from that day forward.

I sincerely appreciate your consideration and support of this request.

Very truly yours,

  
Larry B. Palmer, Clerk

TOTAL: \$11,600

TWENTY-FOURTH JUDICIAL CIRCUIT  
OF VIRGINIA

J. LEYBURN MOSBY, JR., JUDGE  
LYNCHBURG CIRCUIT COURT  
900 COURT STREET  
P.O. Box 4  
LYNCHBURG, VIRGINIA 24505  
(434) 455-2600  
TeleFax (434) 847-1350



COMMONWEALTH OF VIRGINIA  
CITIES OF LYNCHBURG AND BEDFORD  
COUNTIES OF AMHERST, BEDFORD, CAMPBELL AND NELSON

MOSBY G. PERROW, III, JUDGE  
LYNCHBURG CIRCUIT COURT  
900 COURT STREET  
P.O. Box 4  
LYNCHBURG, VIRGINIA 24505  
(434) 455-2600  
TeleFax (434) 847-1863

September 21, 2007


Mr. L. Kimball Payne  
City Manager  
City of Lynchburg  
900 Court Street  
Lynchburg, VA 24505

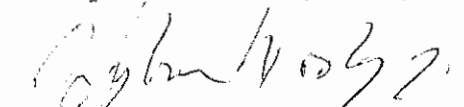
Dear Mr. Payne:

We are writing in support of our Clerk's request of temporary funding for personnel in the criminal section of the Lynchburg Circuit Court. We have reviewed his September 20, 2007, letter to you and believe it accurately reflects the situation. It should be significant to the City that the requested funding will staff a position that will ultimately save the City additional expense by insuring that financial responsibility for the retention of convicted felons is promptly transferred to the Commonwealth.

Thank you for your assistance.

Very truly yours,

  
Mosby G. Perrow, III, Judge

  
J. Leyburn Mosby, Jr., Judge

MGP, III/vkh  
cc: Larry Palmer, Clerk

